

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

In Re: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

ALL CASES

THIS DOCUMENT RELATES TO:

All End-Payor Actions
All Auto Dealer Actions
All Truck and Equipment Dealer Actions
All State of Indiana Actions

Case No. 2:12-md-02311

Honorable Marianne O. Battani
Magistrate Mona K. Majzoub

**PARTIES' UNOPPOSED MOTION FOR ENTRY OF ORDER REGARDING GM'S
VEHICLE PRICING DOCUMENTS IN ALL END-PAYOR, AUTO DEALER, TRUCK
AND EQUIPMENT DEALER, AND STATE OF INDIANA ACTIONS**

The Parties¹ respectfully submit this unopposed motion to enter the Order Denying General Motor's Objection to the Master's Orders Compelling Production of Certain Confidential Commercial, Trade Secret Pricing Documents and Denying Certain Defendants' Objections to Special Master's December 29, 2016 Order Regarding the Production of Certain Vehicle Pricing Information from Certain Nonparty Original Equipment Manufacturers and Their Affiliated Entities and Modifying Order Regarding Discovery from Nonparty Original Equipment Manufacturer General Motors (the "Order")—which was entered on November 2, 2016, at Dkt. Nos. 1837 (redacted) and 1838 (sealed) on the Master Docket (2:12-md-02311) with reference to only two parts cases—in all End-Payor Actions, Auto Dealer Actions, and Truck and Equipment Dealer Actions, and State of Indiana Actions in this MDL, subject to certain conditions set forth below.

¹ The Serving Parties that join this motion include: End Payor Plaintiffs, Automobile Dealership Plaintiffs, Truck and Equipment Dealer Plaintiffs, and the State of Indiana. Defendants and General Motors LLC ("GM") take no position on this motion, and do not oppose this motion.

While the initial briefing on GM's Vehicle Pricing Documents (by the Parties and GM) was filed as relating to all parts cases, and as to all actions, the Order was entered only in certain parts dockets: Bearings – Dealership Actions, 2:12-cv-00502, Dkt. Nos. 249 (redacted) and 250 (sealed) and Anti-Vibrational Rubber Parts – Dealership Actions, 2:13-cv-00802 (Anti-Vibrational Rubber Parts – Dealership Actions), Dkt. Nos. 241 (redacted) and 242 (sealed).

The Parties submit that the Order should apply to all End-Payor Actions, Auto Dealer Actions, Truck and Equipment Dealer Actions, and State of Indiana Actions in this MDL, except for any such actions in which all named defendants either have been dismissed from the action by the Court or have been the subject of a preliminary order of approval of settlement entered by the Court (hereinafter, "the Subject Actions"), subject to these conditions: (1) the Serving Parties and GM maintain their rights to challenge the Order through reconsideration or other appropriate means upon entry of this Order; (2) each Serving Party in a Subject Action to which this Order shall apply will have access to GM's Vehicle Pricing Documents in that Subject Action, per the terms of the Order, upon entry of an order setting a class certification motion deadline applicable in that Subject Action, and not beforehand; (3) the Order does not limit protections afforded by any operative protective order, including the protection forbidding any individual expert, or member, partner, employee or agent of an expert consulting firm designated to undertake the engagement on behalf of the expert consulting firm, who is a current or former employee, including consultants, as of one year prior to the entry of any operative protective order through the period of time in which such protective order remains operative, of any party or entity which directly competes with, or is a customer of, or direct seller to, any of the Defendants in any action in this MDL, from accessing any GM Vehicle Pricing Information; and (4) any Serving Party seeking access to GM's Vehicle Pricing Information in a Subject Action shall provide GM

with a copy of the applicable order setting a class certification motion deadline in that Subject Action and represent that the Serving Party is still litigating the Subject Action and, in the case of a Defendant Serving Party, has not yet been dismissed from that Subject Action or been the subject of a preliminary order of approval of settlement entered by the Court in that Subject Action.

The Parties therefore request that the Court enter the [Proposed] Order Regarding Entry of the Order in the Master Docket of this MDL, which reflects the understanding set forth above. Pursuant to Local Rule 7.1(a), before filing this motion, the Parties ascertained that no party opposed this motion and obtained concurrence for the relief sought.

Date: April 16, 2018

Respectfully submitted,

/s/ Lucas Issacharoff
Lucas Issacharoff
SUSMAN GODFREY L.L.P.
1301 Avenue of the Americas, 32nd Floor
New York, NY 10019
Telephone: (212) 336-8330
Facsimile: (212) 336-8340
Email: lissacharoff@susmangodfrey.com

Elizabeth Tran
COTCHETT, PITRE & McCARTHY, LLP
San Francisco Airport Office Center
840 Malcolm Road, Suite 200
Burlingame, CA 94010
Telephone: (650) 697-6000
Facsimile: (650) 697-0577
swilliams@cpmlegal.com
etrans@cpmlegal.com

Hollis Salzman
Bernard Persky
William V. Reiss
ROBINS KAPLAN LLP
399 Park Avenue, Suite 3600

New York, NY 10022
Telephone: (212) 980-7400
Facsimile: (212) 980-7499
HSalzman@RobinsKaplan.com
BPersky@RobinsKaplan.com
WReiss@RobinsKaplan.com

Marc M. Seltzer
Steven G. Sklaver
SUSMAN GODFREY L.L.P.
1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90067-6029
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
mseltzer@susmangodfrey.com
ssklaver@susmangodfrey.com

Terrell W. Oxford
Chanler Langham
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, TX 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
toxford@susmangodfrey.com
clangham@susmangodfrey.com

Floyd G. Short
SUSMAN GODFREY L.L.P.
1201 3rd Ave., Suite 3800
Seattle, WA 98101
Telephone: (206) 373-7381
Facsimile: (206) 516-3883
fshort@susmangodfrey.com

*Interim Co-Lead Class Counsel for the Proposed
End-Payor Plaintiff Class*

E. Powell Miller
Devon P. Allard
THE MILLER LAW FIRM, P.C.
The Miller Law Firm, P.C.
950 W. University Dr., Ste. 300
Rochester, Michigan 48307
epm@millerlawpc.com
dpa@millerlawpc.com

Interim Liaison Counsel for the Proposed End-Payor Plaintiff Class

/s/ Jonathan W. Cuneo

Jonathan W. Cuneo
Joel Davidow
Daniel Cohen
Victoria Romanenko
Evelyn Li
Cuneo Gilbert & LaDuca, LLP
Suite 200
4725 Wisconsin Avenue, NW
Washington, DC 20016
Telephone: (202)789-3960
jorc@cuneolaw.com
joel@cuneolaw.com
danielc@cuneolaw.com
vicky@cuneolaw.com
evelyn@cuneolaw.com

Don Barrett
David McMullan
BARRETT LAW GROUP, P.A.
P.O. Box 927
404 Court Square
Lexington, MS 39095
Telephone: (662) 834-2488
Facsimile: (662)834-2628
dbarrett@barrettlawgroup.com
dmcmullan@barrettlawgroup.com

Shawn M. Raiter
LARSON • KING, LLP
2800 Wells Fargo Place
30 East Seventh Street
St. Paul, MN 55101
Telephone: (651) 312-6500
Facsimile: (651) 312-6618
sraiter@larsonking.com

Interim Co-Lead Class Counsel for Automobile Dealership Plaintiffs

Gerard V. Mantese
(Michigan Bar No. P34424)
Alexander E. Blum

(Michigan Bar No. 74070)
Mantese Honigman, P.C.
1361 E. Big Beaver Road
Troy, Michigan 48083
Telephone: (248) 457-9200
gmantese@manteselaw.com
ablum@manteselaw.com

Interim Liaison Counsel for Automobile Dealership Plaintiffs

Brian Herrington
Herrington Law, PA
PO Box 3260
Ridgeland, MS 39158
601.376.9331
brian@herringtonlawpa.com

Counsel for Automobile Dealership Plaintiffs

/s/ William Shotzbarger

Wayne A. Mack (PA Bar #46654)
J. Manly Parks (PA Bar #74647)
Sean P. McConnell (PA Bar #307740)
Andrew R. Sperl (PA Bar #311467)
Erica Lee Fruiterman (PA Bar #317289)
William Shotzbarger (PA Bar #320490)
DUANE MORRIS LLP
30 S. 17th Street
Philadelphia, PA 19103
Phone: (215) 979-1000
Fax: (215) 979-1020
wamack@duanemorris.com
jmparks@duanemorris.com
spmcconnell@duanemorris.com
arsperl@duanemorris.com
efruiterman@duanemorris.com
wshotzbarger@duanemorris.com

Counsel for Truck and Equipment Dealer Plaintiffs

Kevin Abraham Rynbrandt (P46699)
RYNBRANDT & ASSOCIATES, PLLC
1000 Front Avenue, N.W.
Grand Rapids, MI 49504
(616) 915-9266

kar@rynbrandt.com

Indiana Attorney General's Office
Indiana Government Building South
302 West Washington Street
5th Floor
Indianapolis, IN 46204
Phone: (317) 232 6201
Fax: (317) 232 7979

Counsel for State of Indiana